

ORIGINAL

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 26 2021 ★

BROOKLYN OFFICE

Hon. Eric R. Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

United States Magistrate Judge Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201



Re: Capogrosso v. Gelbstein et al, No. 18-cv-2710 (E.D.N.Y.)
Response and Objection to State Defendants' Request for a Page Enlargement, Dkt.
177, dated May 12, 2021

Judge Komitee:

Judge Magistrate Bloom:

I oppose the State Defendant's request for a page enlargement, Dkt. 177, to support their motion for summary judgement. The legal issues in this matter have already been fully briefed and any allegations of wrongdoing are all unfounded and unsupported and, to which, I have already fully replied. See, in part, my reply to State Defendants' Motion to Dismiss, Dkts. 40 and 41.

I apologize to this Court for my late reply to the aforementioned request (Dkt. #177, dated May 12, 2021), but which I only received by US postal mail on May 22, 2021. Reference Exhibit A, Dkt. 177 with mailing envelope postmarked May 19, 2021.

In my defense, I am dealing with an adversary, attorney Thompson, who is playing cute, and I hope this Court sees it.

I have repeatedly made known to attorney Thompson through text messages and phone calls to his office that either I am not receiving his emails, and those that I do receive are not opening properly and/or fully. To assure a full and proper record, I have repeatedly made known to this attorney that I also require hard copies of all correspondence mailed to my mailing address pursuant to Fed. Rule. Civ. Proc. 5(b)(2)(E) and J. Komitee's Individual Practices and Rules.

I am asking for no unfair advantage. As a pro se litigant who has given no written consent to the Court to my electronic filing, I am entitled to copies of all submissions

filed on ECF with the Court and I am entitled that they be delivered simultaneously as filed with the Court.

J. Komitee's Individual Practices and Rules provide:

I. Communications A. Written Correspondence 1. All communications with chambers shall be in writing and filed on ECF. With copies filed simultaneously delivered to pro se litigants who do not receive automatic notifications through ECF.

In defiance, attorney Thompson refuses to acknowledge or reply to my phone calls and texts, refuses to reply when I ask whether a hard copy of any submission has been mailed to me by US postal mail and refuses to reply when such hard copy was mailed or if it has been mailed.

We have been ordered by J. Magistrate Bloom to cooperate and attorney Thompson refuses to do so. He plays cute and then runs to the Court wasting this Court's time filing letters of complaint. (I spoke to the clerk of the Court on May 25, 2021 who indicates a letter of complaint has been filed, though I have not received such letter).

When I receive such letter of complaint, I will reply as necessary.

Dated: May 25, 2021
New Rochelle, New York

Respectfully truthfully submitted,



Mario H. Capogrosso

TO: PRO SE OFFICE

FROM: MARLO H. CAPOGROSSO

RE: CAPOGROSSO V. GELBSTERN,
CV-18-2710

2021 MAY 26 AM 4:01

CLERK
U.S. DISTRICT COURT
E.D. NY.



IN CLERK
U.S. DISTRICT COURT

★ MAY 26 2021 ★

BROOKLYN OFFICE

IN CLERK
U.S. DISTRICT COURT

★ MAY 26 2021 ★

BROOKLYN OFFICE